

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
IN RE: 650 FIFTH AVENUE AND : 08 Civ. 10934 (LAP)
RELATED PROPERTIES :
: ~~[PROPOSED]~~
: ORDER
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LORETTA A. PRESKA, Senior United States District Judge:

Having considered the arguments raised by the parties in their letters dated June 15, 2020 (dkt. no. 2282), June 18, 2020 (dkt. no. 2283), and June 19, 2020 (dkt. no. 2285), and at the telephonic conference held on June 25, 2020, the Court concludes as follows:

1. The Court's Memorandum and Order dated June 4, 2020 (dkt. no. 2276) is clarified as follows: the Government's motion for a stay pending appeal (dkt. No. 2253) is GRANTED as to the Court's February 13, 2020 Order (dkt. no. 2191) and March 2, 2020 Opinion and Order (dkt. no. 2197), which Orders are STAYED. The stay does not apply to any other aspect of these related proceedings, including the proceedings in the attachment and execution actions.¹

¹ 1:09-cv-00166-LAP, 1:09-cv-00553-LAP, 1:09-cv-00564-LAP, 1:09-cv-04614-LAP, 1:10-cv-01627-LAP, 1:11-cv-03761-LAP, 1:12-mc-00022-LAP, 1:12-mc-00021-LAP, 1:12-mc-00020-LAP, 1:12-mc-00019-LAP, 1:13-mc-00071-LAP, 1:09-cv-00165-LAP, 1:13-cv-01825-LAP, 1:19-cv-11083-LAP, 1:13-cv-01848-LAP, 1:19-cv-11073-LAP, 1:19-cv-11075-LAP, 1:19-cv-11076-LAP, 1:19-cv-11077-LAP, 1:19-cv-

2. The Court will consider the Government's application for a restraining order (dkt. nos. 2200 & 2201), Claimants Alavi Foundation and 650 Fifth Avenue Company's oppositions thereto (dkt. nos. 2205 & 2206) and the Government's papers in reply (dkt. nos. 2214 & 2215), pursuant to 18 U.S.C. § 985(d)(1)(B)(i).

3. Notice of the Government's application has been served on the 650 Fifth Avenue Company, the owner of 650 Fifth Avenue, New York, New York (the "Property"). Unless counsel for 650 Fifth Avenue Company files a notice that it waives the requirement that notice be posted on the Property, the Government will cause notice of the application for the restraining order to be posted on the Property no later than July 21, 2020.

4. No later than July 14, 2020, counsel for Claimants will advise the Court and the parties of (a) what witness(es) Claimants intend to call at an evidentiary hearing on the application, and (b) what factual issues the testimony of each witness will address.

5. No later than July 21, 2020, counsel for the Government will respond and identify (a) what witness(es), if any, it intends to call at an evidentiary hearing on the

11078-LAP, 1:19-cv-11079-LAP, 1:19-cv-11080-LAP, 1:19-cv-11081-LAP, and 1:19-cv-11082-LAP.

application, and (b) what factual issues the testimony of each witness will address.

6. The Court will then schedule a hearing for oral argument or evidentiary proceedings.

SO ORDERED.

Dated: New York, New York
July 8, 2020



LORETTA A. PRESKA
Senior United States District Judge